

# Exhibit F

Christopher W. Abreu

06/02/2005

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

C.A. No. 04-10131

HEATHER KIERNAN,

Plaintiff

vs.

ARMORED MOTOR SERVICE OF AMERICA, INC. and

FRANCESCO CIAMBRIELLO,

Defendants

DEPOSITION OF CHRISTOPHER W. ABREU

Thursday, June 2, 2005 - 10:15 a.m.

MORGAN BROWN & JOY, LLP

200 State Street - 11th Floor

Boston, Massachusetts

Reporter: Maureen J. Manzi, CSR

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1 since I was heading back to the office if I could  
2 take some videotapes, meet with David Ardito and  
3 watch the videotapes at the armored car  
4 establishment.

5 Q. Did he give you any other instructions?

6 A. No.

7 Q. He didn't tell you what to look for in the  
8 videotapes or anything like that?

9 A. He just basically asked if I could look at  
10 the videotapes and let me know what I thought of  
11 them.

12 Q. Were you given a copy of the D.A.'s file  
13 prior to doing that?

14 A. No. I did know that it was basically just  
15 -- it was a rape case, alleged rape, and I believe  
16 that Christopher Markey had asked Chris Saunders to  
17 review the tapes just to see what was on there since  
18 Chris couldn't go, he gave them to me.

19 Q. When you assumed this responsibility on the  
20 case, was it your understanding that -- what was  
21 your -- let me strike that. When you assumed the  
22 responsibility that you just described for this  
23 case, who was your understanding that was in charge  
24 of the case, which D.A.?

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1 A. Um-hmm.

2 Q. That would pull us back to May of 2002.

3 A. Okay.

4 Q. So --

5 A. My daughter was born in April and I was just  
6 transferred. So it would have to be the summer of  
7 2001 when I reviewed the tapes.

8 Q. When your daughter was born, you were in New  
9 Bedford?

10 A. Yes.

11 Q. Sometimes those events help us to get a  
12 timeline.

13 Now, was it Mr. Saunders that handed the  
14 tapes to you?

15 A. Yes.

16 Q. And were they in anything when he gave them  
17 to you?

18 A. From what I recall there was just a stack of  
19 tapes with an elastic around them.

20 Q. When you say "a stack," did they look like a  
21 regular VHS tape?

22 A. Yeah.

23 Q. How many were there?

24 A. I recall maybe five; four or five or six

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1 even. I remember it being a healthy stack of  
2 videotapes.

3 Q. Did you have any understanding as to what  
4 the status of the proceedings were against the  
5 defendant at that time?

6 A. No.

7 Q. Did you know whether or not he had already  
8 been indicted?

9 A. No.

10 Q. When you were given the tapes, did you  
11 already have an appointment to meet Mr. Ardito at  
12 the facility?

13 A. Yes.

14 Q. How was that appointment made?

15 A. It must have been made by Chris Markey or  
16 Chris Saunders.

17 Q. So you didn't make it?

18 A. No. I was just told that -- I was just  
19 asked if I could go watch the tapes at a certain  
20 time with David.

21 Q. And have you met Mr. Ardito prior to that  
22 day?

23 A. Yes.

24 Q. Had you worked with him on other cases?

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1 A. Yes.

2 Q. Had you worked with him on this case?

3 A. No.

4 Q. After you took the tapes -- let me back up.  
5 When you took the tapes, where physically were you?

6 A. In the Attleboro District Court office.

7 Q. When you went to AMSA, did you take your  
8 car?

9 A. Yes.

10 Q. What kind of car was that at the time?

11 A. It was a '96 BMW.

12 Q. And you drove to AMSA?

13 A. Yes.

14 Q. In the car?

15 A. Yes.

16 Q. Where were the tapes in the car when you  
17 were driving?

18 A. Within my possession.

19 Q. Front seat, back seat, trunk?

20 A. Front seat probably I think.

21 Q. Did you have a briefcase with you?

22 A. Yes.

23 Q. Any other bags or --

24 A. No.

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1 you brought them back?

2 A. Well, I can only say this. On any normal  
3 case, there's no question I would have taken them  
4 back to keep a chain of custody. In this case, the  
5 only way I would have left them there is because  
6 nobody had the technology to tape them at a frame  
7 where they could watch it on any regular VCR.

8 Q. Let me ask you this. When you say take them  
9 back, what I'm trying to figure out is were you  
10 going to be handing them to Mr. Saunders, putting  
11 them in his office, putting them in a room that was  
12 for films that was ceased, something? What was the  
13 procedure, if anything?

14 A. In my normal course, I would have just put  
15 them back in his office.

16 Q. And he had his own office, he wasn't in a  
17 cube or anything like that?

18 A. He had his own office. We all had our own  
19 office.

20 Q. How long had you known Mr. Ardito up to that  
21 time?

22 A. Tough to say. Maybe a year. Maybe I had  
23 some cases when I was in Taunton. And I saw him  
24 regularly when I was in Attleboro.

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1 a dead space. You couldn't see exactly what they  
2 were doing until you shifted to a next camera angle.

3 Q. Was it your understanding that in this dead  
4 space they were sitting or standing?

5 A. They were walking.

6 Q. Okay. Thank you.

7 A. And while they were walking, once you  
8 shifted to the next frame, okay, you still couldn't  
9 see them at the time, okay, but I remember hearing  
10 someone say "I'm not going in there."

11 Q. But you didn't see the person actually  
12 verbalizing that?

13 A. Right. I don't recall -- if my memory's  
14 correct, I don't recall seeing the people actually  
15 say it, okay, because I believe they were out of  
16 camera angle at that time.

17 Q. Was it a male voice or a female voice?

18 A. It was a female voice.

19 Q. And is there anything else in looking at  
20 this quote that refreshes your recollection about  
21 what you saw about the tape?

22 A. Well, I recall quite a bit about the tape.

23 Q. But just with regard to the "I'm not going  
24 to go in there." I'm going to break it down.

1 day?

2 A. I'm not sure.

3 Q. Is this the only page of notes you gave to  
4 Mr. Saunders?

5 A. I'm not sure.

6 Q. And let me qualify it. Did you give these  
7 notes to Mr. Saunders?

8 A. I don't recall. I either just left them in  
9 his office with the videotapes if I had them. I  
10 just don't recall. If I had brought the videotapes  
11 back like I think I would have, this would have been  
12 left with the videotapes, folded up and thrown on  
13 top of with the elastic.

14 Q. The reason why you had gone to AMSA that day  
15 is because you didn't have the equipment to look at  
16 the videotapes?

17 A. Correct.

18 Q. Did you have any understanding that day as  
19 to how you'd go about having the tapes, for lack of  
20 a better term, decoded or formatted in such a way  
21 that they could play on a normal VCR?

22 A. Well, I knew that they had to be -- you had  
23 to get a regular VCR and tape it off of the time  
24 lapse VCR while it was playing in its time lapse

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1 Q. Put them down where?

2 A. Either on the shelf or on the floor. I  
3 don't recall.

4 Q. Now, when he would take the tapes out, what  
5 would he do with them?

6 A. He'd put them in the VCR.

7 Q. When he took the tapes out of the VCR, what  
8 would he do with them?

9 A. I don't recall. He either gave them to me  
10 or he put them down somewhere on the table or some  
11 box or something like that on the shelf.

12 Q. Where was the table?

13 A. I don't recall there being a table. I just  
14 don't know what he did with the tapes afterwards.

15 Q. Where was the shelf?

16 A. The units that house all the VCRs?

17 Q. Yes.

18 A. Perhaps there was space there. I really  
19 don't recall what happened to the tapes.

20 Q. After you stopped watching the tapes, what  
21 did you then do at the facility?

22 A. We basically just shook hands and left.

23 Q. Who's "we"?

24 A. Mr. Ardito, I and the security consultant,

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1 comings and goings at that time?

2 A. No.

3 Q. The entranceway where you would have entered  
4 into the D.A.'s office at that time, was it under  
5 video surveillance?

6 A. No.

7 Q. Did you bring the tapes back?

8 A. I don't recall. I think I did, but maybe I  
9 didn't. Like I said, the only reason I would have  
10 left the tapes there would be to copy them. But I  
11 still don't see myself doing that.

12 Q. Was there any discussion about AMSA making  
13 copies of the tapes for you?

14 A. I don't remember, that's the thing.

15 Q. Was there any discussion about AMSA saying,  
16 you know, we'll get these tapes formatted for you in  
17 such a way so you can play them on a normal VCR or  
18 something along those lines?

19 A. I don't remember. I don't know. I just  
20 remember leaving. I would think that I had the  
21 tapes. But it was so long ago, I just have no idea.

22 Q. Well, in sitting in the office and viewing  
23 the tapes, did you have any understanding as to,  
24 especially with regard to the comment "I'm not going

1 A. I'm not sure where it was written or if it  
2 was written on the top or on the back end of it.

3 Q. Did each of the tapes have a little carrying  
4 case?

5 A. If I recall, none of them had a case.

6 Q. And it's your recollection that they were,  
7 the tapes that you had were marked with a letter of  
8 the alphabet?

9 A. Correct.

10 Q. And there was no other marking on them in  
11 any way?

12 A. I'm not sure, not that I recall. But I do  
13 remember them having a letter or a number. I'm not  
14 sure it was a letter.

15 Q. And when you viewed these tapes at AMSA, I  
16 believe you testified you understood that at least  
17 one or more of those videotapes would be evidence in  
18 the criminal case --

19 A. Correct.

20 Q. -- used by a factfinder? And you understood  
21 that at the time --

22 A. Correct.

23 Q. -- or believed it at the time that those  
24 tapes would be evidence in the criminal matter?

1 knowing that they would be evidence in a criminal  
2 matter, would it be your normal procedure to leave  
3 that evidence somewhere, for use of a better word,  
4 the chain of custody would be broken?

5 MR. MCLEOD: Objection.

6 A. Normally, no. Like I said, the only thing  
7 that was different in this case is that at the time  
8 we didn't have the capabilities of taping it. The  
9 only reason I would have left the tapes there was  
10 for them to make a copy of the tapes, something that  
11 we could view.

12 Q. If you left the tapes there meaning so that  
13 AMSA could make copies of the tapes?

14 A. Correct.

15 Q. Would there be any way if you left them  
16 there to prevent AMSA or somebody who got ahold of  
17 them from altering the tapes in any way?

18 MR. MCLEOD: Objection.

19 A. If I had left them there?

20 Q. Yes.

21 A. I'm sure anybody could do anything with  
22 them.

23 Q. Or erase them?

24 A. Correct.

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1 Q. And would that have been a concern you would  
2 have?

3 A. The only way it would not be a concern is if  
4 all the intended parties knew about it. For  
5 instance, if Chris Markey knew about it or if Chris  
6 Saunders knew about it. I just wouldn't have done  
7 it on my own given the fact it wasn't my case and I  
8 had these tapes in my custody.

9 Q. And is it your testimony today, do you have  
10 any recollection prior to going to AMSA that you had  
11 a conversation with either Chris Markey or Chris  
12 Saunders talking about we're going to leaving the  
13 tapes there to be copied?

14 A. I don't recall.

15 Q. And do you recall while you were there  
16 making a telephone call to Chris Markey or Chris  
17 Saunders to talk about, hey, should I leave the  
18 tapes there?

19 A. I definitely didn't make a phone call from  
20 the facility, no.

21 Q. If you had left them at the facility  
22 intentionally, would you have obtained a receipt  
23 signed by the security consultant in any way  
24 reflecting the date and agreement that you were

1 leaving them and he was accepting them?

2 MR. MCLEOD: Could I have that read  
3 back, please.

4 (Question read back.)

5 A. Proper protocol would say, yes.

6 Q. Let me ask you. If the tapes were left  
7 there unintentionally, you know, simply because they  
8 had put down on a table and everybody forgot about  
9 them, to the best of your recollection would there  
10 have been any way for somebody working at AMSA to  
11 recognize that those tapes were from that particular  
12 night in question which I think was May 19th, 2001  
13 versus tapes from any other day or particular time?

14 MR. MCLEOD: Objection.

15 A. I don't know.

16 Q. Do you recall speaking to the security  
17 consultant while you were there as to whether AMSA  
18 had copies of the tapes that you had?

19 A. I don't recall it, no.

20 Q. Well, turning your attention to what's been  
21 marked as Exhibit 2 and the portion of this e-mail  
22 chain that appears to be a message that you wrote on  
23 June 17th to Jeanne Veenstra. You see there that  
24 you wrote, "I also know that the facility still has

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1 tapes, it's the one that says Working Detective's  
2 Tapes. Chris, I'm going to show you hopefully --  
3 and just so the record's clear. I'm showing Chris a  
4 tape, that particular tape. It's pretty short,  
5 isn't it?

6 MR. MCLEOD: Yes.

7 Q. Why don't we watch the whole thing.

8 (Videotape being played.)

9 Q. I'm going to stop it right there and let me  
10 ask you. At 17:32 did you observe two individuals  
11 walking somewhere?

12 A. Yes.

13 Q. And would those two individuals that you saw  
14 on the tape when you were out at AMSA reviewing the  
15 tape?

16 A. Yes.

17 Q. And was that the same viewing that you saw  
18 while you were at AMSA of the two individuals  
19 walking?

20 A. No.

21 Q. Did you see what's on this particular tape  
22 of those two individuals walking --

23 A. Yes.

24 Q. -- while you were at AMSA? That was a

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1 really bad question. Let me ask that again. What  
2 we just observed on the tape of those two  
3 individuals walking down a hallway, did you observe  
4 that particular view of them?

5 A. I don't recall if I did or not.

6 Q. You saw in this particular one that the tape  
7 looked like it was from the front of them?

8 A. Correct.

9 Q. And your recollection is that what you saw  
10 was from the back?

11 A. Correct.

12 Q. Perhaps leading you to believe that it was  
13 at a different angle?

14 A. Yeah, exactly.

15 Q. In terms of the quality of the clarity of  
16 what you were seeing, how would you compare what we  
17 just saw to what you saw?

18 A. As far as that particular portion where  
19 they're walking, the clarity was the same, but it  
20 was a camera looking at them from behind.

21 Q. Was this particular camera that viewed them  
22 walking on this videotape that we've marked as  
23 Exhibit 3 about the same distance away as the camera  
24 viewing that you saw?

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1 A. The camera, the angle that I saw I believe  
2 was directly overhead. So at one point in time they  
3 were much closer and then they walked farther and  
4 farther away in distance.

5 Q. Did you understand there to be a camera that  
6 was in the ceiling just pointing down?

7 A. I believe it must have been on the wall  
8 because you had a direct view of the hallway.

9 Q. The entire hallway?

10 A. Yes.

11 Q. In this one that we just saw, could you tell  
12 whether or not Mr. Ciambriello had his hand, his  
13 right hand around Heather Kiernan's body or waist?  
14 Do you want me to play it again?

15 A. Yeah, could you please.

16 Q. Sure.

17 (Videotape being played.)

18 Q. Could you tell in this video the location of  
19 his hands?

20 A. No.

21 Q. As you sit here today, do you have any  
22 knowledge of the significance of that first scene  
23 that we see which appears to be one of the doors in  
24 the facility, what relevance that might have to this

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1 A. I don't know. I do not know.

2 Q. Would I being correct in saying that in June  
3 17th, 2002, if you recalled leaving the tapes at the  
4 facility, you would have said I left the tapes at  
5 the facility as opposed to what you did say which is  
6 "I also know that the facility still has tapes of  
7 the incident"?

8 MR. MCLEOD: Objection.

9 A. All that I can say is, I do not ever  
10 remember specifically what happened with the tapes.  
11 Because it was such a formality just going to view  
12 the tapes, it was nothing that I was paying extreme  
13 interest to. I can only make presumptions about  
14 what happened with the tapes. I do not know. And I  
15 do not have an independent memory of what happened  
16 with those tapes.

17 Q. And you also don't have an independent  
18 memory of what knowledge you had in writing that  
19 statement?

20 A. Correct, I don't.

21 Q. Thanks.

22 FURTHER REDIRECT EXAMINATION

23 BY MR. MCLEOD:

24 Q. I have just a quick follow-up. I'm sorry.